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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,888	12/12/2005	Johannes Kalhoff	2133.095USU	1974

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EXAMINER	
PHAM, THOMAS K	
ART UNIT	**PAPER NUMBER**
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,888	KALHOFF ET AL.	
	Examiner	Art Unit	
	Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-27* is/are rejected.

7)☒ Claim(s) *28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

First Action on the Merits

1. Claims 1-17 and 19-28 of U.S. Application 10/539,888 filed on 12/12/2005 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ541, 550-551 (CCPA 1969)" (MPEP p2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it contains more than one paragraphs. Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 06/17/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

7. Claim 28 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

8. Claims 1-17 and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,177,860 ("Cromer").

Regarding claims 1, 8, 26 and 27

Cromer teaches a method, an apparatus, or a system "for adaptation of an intelligent unit to an application and/or an installation location of the intelligent unit, comprising the following steps: associating a configuration device with a defined application and/or a defined location of the intelligent unit" (e.g. FIG. 4, col. 2 line 57 to col. 3 line 3 and col. 4 lines 1-16, RFID tag interrogator), "wherein the configuration device is permanently or detachably connected to the coupling location of the intelligent unit" (e.g. FIG. 4 and col. 3 lines 1-3, RFID tag interrogator is connect to a connector to access device 410); "and storing application-based and/or location-based configuration data and/or behavior description data in the configuration device in such a way that data can be transmitted from the configuration device to a logic device for processing of data for configuration of the intelligent unit for adaptation of the intelligent unit" (e.g. col. 3 lines 44-65, RFID tag stores MAC address and hardware configuration data).

Regarding claim 2

Cromer teaches "the method as claimed in claim 1, furthermore comprising the following steps: provisioning the intelligent unit with the associated logic device for processing of data for configuration of the intelligent unit" (e.g. col. 4 in particularly lines 17-22); "coupling the intelligent unit to a system which comprises the defined application and/or the defined location"

(e.g. col. 4 lines 4-10); "connecting the intelligent unit to the configuration device" (e.g. FIG. 4); "and transmitting data from the configuration device to the logic device" (e.g. col. 3 lines 44-49).

Regarding claim 3

Cromer teaches "the method as claimed in claim 1, further comprising data from the intelligent unit being transmitted to the configuration device and being stored therein" (e.g. col. 4 lines 23-32).

Regarding claim 4

Cromer teaches "the method as claimed in claim 1, further comprising data matching being carried out between the intelligent unit and the configuration device" (e.g. col. 3 lines 30-43).

Regarding claim 5

Cromer teaches "The method as claimed in claim 1, further comprising the intelligent unit being within a network" (e.g. FIG. 2).

Regarding claim 6

Cromer teaches "The method as claimed in claim 1, further comprising the storing and/or the transmitting of the application-based and/or location-based configuration data and/or behavior description data being carried out as a single step, or as a repeatable step" (e.g. col. 3 lines 56-65).

Regarding claim 7

Cromer teaches "The method as claimed in claim 1, further comprising the storing and/or the-transmitting of the application-based and/or type-based configuration data and/or behavior description data securely" (e.g. col. 4 lines 1-16).

Regarding claim 9

Cromer teaches "The apparatus as claimed in claim 8, comprising: an intelligent unit with an associated logic device for processing data for configuration of the intelligent unit" (e.g. col. 3 lines 57-65); "and a configuration device which is associated with a defined application and/or a defined location" (e.g. col. 3 lines 30-43), "and is permanently or detachably connected to the coupling location of the intelligent unit" (e.g. col. 3 lines 1-3), "for storage of application-based and/or location-based configuration data and/or behavior description data" (e.g. col. 3 lines 56-65), "wherein the intelligent unit and the configuration device can be connected to one another in such a way that data can be transmitted at least from the configuration device to the logic device for adaptation of the intelligent unit to the application and/or the location" (e.g. col. 4 lines 1-16).

Regarding claim 10

Cromer teaches "The apparatus as claimed in claim 8, comprising: a configuration device, which can be associated with a defined application and/or a defined location of an intelligent unit and can be permanently or detachably connected to the coupling location of the intelligent unit" (e.g. col. 3 lines 1-3 and lines 30-43), "for storage of application-based and/or location-based configuration data and/or behavior description data" (e.g. col. 3 lines 56-65), "wherein the configuration device can be connected to a logic device for processing of data for configuration of an intelligent unit in such a way that data can be transmitted at least from the configuration device to the logic device" (e.g. col. 4 lines 1-16).

Regarding claim 11

Cromer teaches "The apparatus as claimed in claim 8, comprising: an intelligent unit with an associated logic device for processing of data for configuration of the intelligent unit" (e.g. col. 3 lines 57-65), "wherein the intelligent unit can be connected to a configuration device, which is

associated with a defined application and/or a defined location of the intelligent unit and is permanently or detachably connected to the coupling location of the intelligent unit" (e.g. col. 3 lines 1-3 and lines 30-43), for storage of application-based and/or location-based configuration data and/or behavior description data" (e.g. col. 3 lines 56-65), "in such a way that data can be transmitted at least from the configuration device to the logic device for adaptation of the intelligent unit to the application and/or the location" (e.g. col. 4 lines 1-16).

Regarding claim 12

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the intelligent unit being within a network" (e.g. FIG. 2).

Regarding claim 13

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the intelligent unit having a system component" (e.g. FIG. 2).

Regarding claim 14

Cromer teaches "The apparatus as claimed in one of claim 8, further comprising: the application-based and/or location-based data comprising an address, a component identification, configuration data and/or data for configuration" (e.g. col. 4 lines 1-16).

Regarding claim 15

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the logic device which is associated with the intelligent unit being designed for data transmission to the configuration device" (e.g. col. 3 lines 44-49).

Regarding claim 16

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being designed to receive and store data from the logic device which is associated with the intelligent unit" (e.g. col. 5 lines 37-50).

Regarding claim 17

Cromer teaches "The apparatus as claimed in one of claims 8 to 16, furthermore comprising: the configuration device being part of permanent wiring, to which the intelligent unit can be coupled" (e.g. FIG. 2).

Regarding claim 19

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being associated with a connecting device, which is arranged at the coupling location of the intelligent unit, for connection of the intelligent unit" (e.g. col. 2 line 57 to col. 3 line 3).

Regarding claim 20

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being designed for storage, reading and/or processing of further data" (e.g. col. 4 lines 1-16).

Regarding claim 21

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the data of the configuration device being variable, readable and/or processable by remote control and/or externally" (e.g. col. 5 lines 37-46).

Regarding claim 22

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device and the intelligent unit having complementary means for provision of a unidirectional

and/or bidirectional data transmission connection, in particular using screw-in and/or plug-in connectors, a contact-based , optical and/or a radio connection" (e.g. col. 3 lines 56-65).

Regarding claim 23

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being designed as equipment for an automation system" (e.g. FIG. 2 and col. 4 lines 1-16).

Regarding claim 24

Cromer teaches "The apparatus as claimed claim 8, further comprising: the configuration device and/or the logic device having hardware and/or software elements" (e.g. col. 3 lines 11-30).

Regarding claim 25

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the logic device which is associated with the configuration device being part of the configuration device or part of a further device which can be connected to the configuration device, in particular a central control device" (e.g. col. 3 lines 56-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 7:30 AM - 4:00 PM EST.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Primary Examiner

November 22, 2007